

37-8205

Peppersack, Jeff

To: Charles G. Brockway
Cc: Ed Lawson; Donna Kelsey; Merritt, Allen; Anderson, Hal
Subject: RE: 37-8205 / SV Land & Minerals

Chuck,

During my earlier review of the water right file I noted that there was information submitted with the original application and supplemental information submitted that could be used to estimate total anticipated volume for the uses listed in the permit.

Regarding consumptive use, you are correct that right 37-22128 does not state a consumptive use volume; however, the right itself is limited to the beneficial use developed and necessary for the authorized uses. An additional increment of beneficial use, beyond that which is necessary for the authorized uses, would not be available for mitigation. Similar to a transfer, there would need to be an actual reduction in existing beneficial use to convert to mitigation.

Jeff

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Tuesday, July 21, 2009 4:54 PM
To: Peppersack, Jeff
Cc: Ed Lawson; Donna Kelsey; Merritt, Allen; Anderson, Hal
Subject: 37-8205 / SV Land & Minerals

Jeff,

I am in receipt of your latest letter regarding the application for amendment of permit 37-8205 in the name of Sun Valley Land & Minerals.

Regarding the diversion volume, it seems you are asking me to do something which is not possible. The Department approved the permit with no diversion volume limit, and the approved remarks include mostly uses which are described in general and not quantified, such as commercial office space, greenhouses, a gym, an indoor pool, a horse center, and tennis facilities. It appears that the permit as it stands would allow up to 5 cfs diverted continuously for 365 days/year as long as the heat value could be used beneficially in the approved facilities. I do not see a way to quantitatively compare the diversion volume of the uses originally approved with that of the proposed uses, because there is no original baseline. If I am missing something, please let me know. We will be developing about 765 gpm, or 1.7 cfs, compared to the permit amount of 5 cfs.

Regarding the consumptive use, the owner is willing to dedicate a portion of 37-22128 for mitigation of the additional pond evaporation, if needed. This is a right which includes heating and recreation uses from the hot springs, the same physical source as 37-8205. 37-22128 has been recommended in the SRBA and has no restriction as to consumptive use, and therefore it seems that it could be available for mitigation. If this right can be used, please let me know and I will put together a brief mitigation plan.

Thank you,
Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

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